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Cultural rights

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report prepared by the Special Rapporteur in the field of cultural rights, Karima Bennoune, submitted in accordance with Human Rights Council resolution 28/9.

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Report of the Special Rapporteur in the field of cultural rights

Summary

Building on her previous report on diverse forms of fundamentalism and extremism as threats to cultural rights, the Special Rapporteur elaborates on their grave impact on the cultural rights of women. She stresses that a human rights-based response to fundamentalism and extremism must by fully gender sensitive, centering the cultural rights and equality of women, and defending universality. Women's human rights, including cultural rights, are an essential part of the fight against fundamentalism and extremism, without which it cannot succeed.

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I. Introduction

1. The Special Rapporteur called for contributions to the present report and is gratified to have received 54 submissions, from States, academics, national human rights institutions and civil society in many regions.[1] Those inputs enriched her work.

2. Experts report that fundamentalism and extremism, in diverse forms and in all regions, are among the leading threats to women's human rights, including cultural rights, in today's world.[2] They combine with other factors, such as broader notions of patriarchy and negative aspects of dominant economic models, in a dangerous alchemy that erodes women's rights. Fundamentalist and extremist ideologies and the movements and governments that espouse them seek to roll back the advances achieved in securing women's equality, aim to block further advances and try to penalize and stigmatize the women human rights defenders promoting such critical efforts. Recognition of this reality is part of what led unprecedented numbers of women, estimated at 2.6 million people in 674 marches, to take to the streets around the world on 21 January 2017.[3] As noted in a joint statement by United Nations human rights experts, in June 2017:

> Women's rights are facing an alarming backlash in many parts of the world [...] We need more than ever to protect the fundamental principle that all rights are universal, indivisible, interdependent and interrelated[...] Despite this unbreakable principle, upheld in the 1993 Vienna Declaration on human rights, we are witnessing efforts by fundamentalist groups to undermine the foundation on which the whole human rights system is based. Some of these efforts are based on a misuse of culture, including religion and tradition[...][4]

3. All such anti-rights trends, whether on the part of States or non-State actors, at the international or national levels, must be met with a vigorous international human rights-based challenge, which must centre women's human rights, including cultural rights. However difficult or controversial, the need for tackling these issues is urgent. There is no way to achieve gender equality by 2030, as committed to in the Sustainable Development Goals, without addressing the human rights, including cultural rights, impact of fundamentalism and extremism.

4. The present report employs the term "fundamentalism" for actors using a putatively religious discourse and "extremism" for movements with other bases. It highlights the analysis of experts and civil society actors, in particular women human rights defenders, who have confronted those problems for decades, so as to ensure their words are heard in the United Nations. The report expands on the issues

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[1] Country situations mentioned herein include cases that have been the subject of previous consideration by United Nations mechanisms and officials, reports from States, multilateral institutions and civil society organizations. The present report also draws from "Unless someone hears us", a memorandum on fundamentalist and extremist violence against women and the grave threat to women's human rights around the world (United Nations team at the School of Law, University of California, Davis).

[2] See, for example, Hilary Charlesworth and Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis* (Manchester, United Kingdom of Great Britain and Northern Ireland, Manchester University Press, 2000), and Association for Women's Rights in Development, "New insights on religious fundamentalisms: research highlights", 2009. The latter survey of women's rights activists from 160 countries found that 8 out of 10 had experienced the negative impact of diverse "religious fundamentalisms" on women's human rights.

[3] Heidi M. Przybyla and Fredreka Schouten, "At 2.6 million, Women's Marches crush expectations", *USA Today*, 22 January 2017.

[4] Office of the United Nations High Commissioner for Human Rights (OHCHR), "UN experts call for resistance as battle for women's rights intensifies", 28 June 2017.

explored in the Special Rapporteur's most recent report to the Human Rights Council (A/HRC/34/56).

5. In an important report on the cultural rights of women, the Special Rapporteur's predecessor underlined their rights to have access to, participate in and contribute to all aspects of cultural life and practices, without discrimination, as guaranteed by international law. This encompasses women's rights to actively engage in identifying and interpreting cultural heritage and to decide which cultural traditions, values or practices are to be kept, modified or discarded. The cultural rights of women are vital in and of themselves, and also as a critical gateway to their enjoyment of all human rights (A/67/287).

6. At the heart of fundamentalist and extremist paradigms are rejections of the equality and universality of human rights, both of which are critical to ensuring women's cultural rights and making the unwavering defence of those principles the touchstone of a gender inclusive human rights response. The fact that the Convention on the Elimination of All Forms of Discrimination against Women is the human rights convention subject to the most reservations, many of which are based on unacceptable cultural relativist excuses — advocated by fundamentalists — for not implementing women's equality, is a win for extremist and fundamentalist ideologies, which must be reversed.[5] States have argued that such reservations are not being withdrawn owing to the growing threat of fundamentalism and have claimed that they are a bulwark against fundamentalism.[6] "Thus, dismantling of structural discriminatory provisions and the removal of reservations justified by cultural/religious practices is a priority concern calling for concerted action".[7]

7. There are common themes across fundamentalist and extremist abuses of cultural rights, which have a particularly dire impact on the cultural rights of women. Such abuses often involve attempts at cultural engineering aimed at redesigning culture based on monolithic world views, focused on "purity" and enmity towards "the other", policing "honour" and "modesty", claiming cultural and moral superiority, imposing a claimed "true religion" or "authentic culture" or "modest" dress and behaviour codes often alien to the lived cultures of local populations, demonizing efforts to oppose stereotyping as a "gender ideology", stifling freedom of artistic expression and curtailing scientific freedom. They also aim to restrict the sexual and reproductive rights of all.

8. Fundamentalist and extremist groups often seek to quash expression of cultural opposition to their own agenda. Diverse religious fundamentalists have sought to punish cultural expression that is antithetical to their interpretations of religion, often in ways that have a particular impact on women, including through blasphemy laws, gender discriminatory family laws, campaigns of harassment, education that does not conform to human rights standards, and outright violence.

9. Extremists often harass and target female members of minority groups and lesbian, bisexual and transgender women as they seek to enjoy their equal cultural rights (see A/HRC/29/23 and A/HRC/19/41). They now try to prohibit the freedom of movement of entire national groups based on discriminatory approaches that penalize the victims of fundamentalism and extremism themselves.[8] This has already had an impact on access, by women human rights defenders from countries

[5] Submission from International Women's Rights Action Watch Asia Pacific (IWRAW).
[6] See CEDAW/C/BGD/8; CEDAW/C/MOR/1.
[7] Submission from International Women's Rights Action Watch Asia Pacific.
[8] OHCHR, "US travel ban: 'new policy breaches Washington's human rights obligations' — UN experts", 1 February 2017.

deeply affected by extremism, to the sixty-first session of the Commission on the Status of Women, held in March 2017.[9]

10. Women's rights are not an add-on to the fight against fundamentalism and extremism — they are an essential part of that fight, without which it cannot succeed. "Every step forward in the fight for women's rights is a piece of the struggle against fundamentalism".[10]

11. Secularism — the separation of religion and state — is also a critical piece of the struggle against fundamentalist and extremist ideologies that target women, especially those that claim a religious basis.[11] It creates or preserves space for women and minorities to challenge those ideologies and to enjoy their cultural rights without discrimination. Secularism finds its home in diverse forms in all regions of the world. It does "not mean the absence of religion but rather a state structure that defends both freedom of expression and freedom of religion or belief, where there is no state religion, where law is not derived from God and where religious actors cannot impose their will on public policy". The divide is not "between the religious and secular, but between the anti-secular and those with secular values".[12] As one organization makes clear with its name, "Secularism is a Women's Issue" (SIAWI). The organization notes: "[T]he defense of secular values ... is a precondition for the struggle for women's rights ... The link between the rise of fundamentalism and the erosion of secular space is very clear to us".[13]

A. Defining and understanding fundamentalism and extremism

12. Women human rights defenders have long worked to conceptualize fundamentalism and organize against it. Fundamentalisms are: "political movements of the extreme right, which in a context of globalization... manipulate religion, culture or ethnicity, in order to achieve their political aims".[14] They usually articulate public governance projects, in keeping with their theocratic visions, and impose their interpretation of religious doctrine on others as law or public policy, so as to consolidate social, economic and political power in a hegemonic and coercive manner.[15]

13. Cultural fundamentalists often seek to erase women's cultures, as well as the syncretic nature of culture and religion, and aim to stamp out cultural diversity.[16] Recognizing, defending and celebrating the diversities of women and women's cultural expressions are critical means of defying cultural fundamentalism.

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[9] Submission from MADRE and The Human Rights and Gender Justice Clinic, City University of New York Law School.

[10] Zeinabou Hadari, cited in Karima Bennoune, *Your Fatwa Does Not Apply Here: Untold Stories from the Fight against Muslim Fundamentalism* (New York, W.W. Norton and Company, 2013), p. 82.

[11] Submissions from Association Femmes Contre les Intégrismes and Femmes solidaires.

[12] Gita Sahgal, "Secular space: bridging the religious-secular divide?", 13 November 2013.

[13] Secularism is a Women's Issue, "Who we are and our aims", 28 March 2007.

[14] Marieme A. Hélie-Lucas, "What is your tribe? Women's struggles and the construction of Muslimness", in *Women Living Under Muslim Laws: Dossier 23-24*, Harsh Kapoor, ed. (London, 2001), pp. 49 and 51.

[15] Jessica Horn, "Christian fundamentalisms and women's rights in the African context: mapping the terrain", p. 1.

[16] Council for the Development of Social Science Research in Africa, "Fundamentalism and the Challenge to Women's Rights", Gender and fundamentalisms: proceedings of the Gender Institute on gender, cultures, politics and fundamentalisms in Africa", Fatou Sow, ed. (Dakar, 2015).

14. Fundamentalisms have emerged out of all the world's major religious traditions, including Buddhism, Christianity, Hinduism, Islam and Judaism, and others. Given the religious claims of their proponents, they are especially difficult and dangerous to contest. Given the patriarchal nature of many dominant interpretations of religions and of religious institutions, women face particular obstacles in being heard. However, fundamentalisms represent a minority phenomenon, distinct from broader religious traditions themselves, though drawing selectively from them. No religion is inherently fundamentalist nor should fundamentalist views be imputed to all adherents of any religion.

15. The different manifestations of fundamentalism display notable similarities, especially in their interpretation of gender and family. Although patriarchy is manifest in most religions, it takes on a more extreme form in fundamentalism, which often entirely rejects substantive equality between women and men. At the heart of fundamentalist agendas are the circumscription of women's roles, the suppression of women's rights and control of women.[17]

16. Often, such agendas also promote the segregation of women, which makes it difficult for women to participate equally in cultural life and in the making and evolution of culture. Gender-based laws and policies promoted by fundamentalist groups are based on stereotyped and sexist ideas about gender relations, which clearly discriminate against women and girls.

17. Opposition to fundamentalism is not akin to an anti-religion stance. Both women religious believers who do not conform to fundamentalist dogma, and non-religious women, have often been targets of fundamentalist movements. Both have played important roles in the human rights struggle against fundamentalism. Fundamentalist groups often violate women's right to freedom of religion and to take part in cultural life.

18. The Special Rapporteur employs the term "extremism" alongside "fundamentalism" because it plays a significant role in United Nations debates and includes movements not drawing from religion. However, the question of definition should always be carefully considered and applied in accordance with relevant international human rights norms (see A/HRC/34/56, para. 14). The misuse of the concept of extremism to repress activities undertaken in accordance with international human rights standards is a serious concern.

19. Some forms of contemporary extremism that have a particular impact on women's cultural rights focus on myths of a homogenous nation, claims of ethnic or racial superiority or purity, and populist ultranationalism directed against liberal and pluralistic democracy. Much of the contemporary assault on women's cultural rights from extremism emanates from the far right of the political spectrum, which is ascendant or in power in many places.

20. The United Nations system has focused on violent extremism but mostly declined to define it. Most commonly, the international community gives less attention to extremist ideology and fails to adequately reference fundamentalism, despite the grave impacts on human rights, thereby "failing to recognize that non-violent religious extremism is spreading into the mainstream".[18] This "mainstreaming" creates fertile conditions for discrimination against women.

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[17] See, for example, Betsy Reed, ed., *Nothing Sacred: Women Respond to Religious Fundamentalism and Terror* (New York, Thunder's Mouth Press/Nation Books, 2002), pp. 75 and 76.

[18] International Civil Society Action Network, "Extremism as mainstream: implications for women, development and security in the MENA/Asia Region", Brief No. 11 (2014), p. 3.

21. The links between fundamentalism and extremism on the one hand and violent extremism and terrorism on the other must be recognized, as must the inherently dangerous nature of the underlying ideologies themselves for women's human rights. Some fundamentalist and extremist forces pass themselves off as "moderate". Yet, they provide the ground on which violent extremists stand, by promoting the very discriminatory laws and practices that the Special Rapporteur on freedom of religion or belief finds to have a strong link to incitement to violence in the name of religion (see A/HRC/28/66, para. 11). The Special Rapporteur on the rights to freedom of peaceful assembly and of association noted that fundamentalist "mindsets ... can form the ideological basis for such violations" (see A/HRC/32/36, para. 90).

22. Governments should not use so-called "non-violent extremism", which often includes advocacy of discrimination against women and fosters violence against them, as a tool to fight what they deem to be violent extremism. The highest price for such blunders is paid by women on the ground. Extremist actors will not be truly disarmed unless their ideology, including as it relates to gender equality, is repudiated.

23. The human rights approach to fundamentalism and extremism should encompass State and non-State actors. It is unclear how Governments that espouse such policies as systematic discrimination against women, reminiscent of those advocated by violent extremist armed groups, can successfully defeat those groups without undertaking significant reform, as they create fertile ground for the implantation of similar policies.

B. A women's human rights approach to fundamentalism and extremism, with cultural rights at its core

24. Fundamentalism and extremism are human rights issues. It is critical to focus not only on the security implications thereof, but also on their impact on a broad range of rights, including women's cultural rights, and to take a human rights approach to addressing them. Full implementation of norms guaranteeing the human rights of women, including their economic, social and cultural rights, is a critical tool for combating fundamentalism and extremism. Policies that combat discrimination against women in relation to their right to take part in cultural life or that promote their freedom of artistic expression, scientific freedom and right to education, in accordance with international human rights norms, are core aspects of combating fundamentalism and extremism.

25. Governments must ensure a counterweight to fundamentalist and extremist discourses by publicly challenging them and guaranteeing education in accordance with international standards. Another crucial step is to reinvest in the field of culture, with the aim of creating conditions that allow women, without discrimination, to access, participate in and contribute to cultural life in a continuously developing manner. Creating an environment conducive to cultural democracies that foster gender equality is key.

26. The Special Rapporteur notes with concern that, owing to financial crises and austerity measures adopted in a number of States, programmes in the field of culture often suffer the most. This is a serious mistake. Austerity measures often lead to a situation where the fields of education and culture, inter alia, will be left to others, in particular those with fundamentalist agendas, with dire consequences for women.

27. States must respect, protect and fulfil human rights, in particular cultural rights, meaning they must: (a) stop supporting fundamentalist and extremist

ideologies, directly or indirectly; (b) protect all women from any act of fundamentalist or extremist groups aimed at coercing them into specific identities, beliefs or practices; and (c) design programmes aimed at creating conditions that allow women to access, participate in and contribute to cultural life, without discrimination.

28. The Special Rapporteur appeals to civil society and the international human rights movement to unite in exposing and opposing fundamentalist and extremist ideology, as many women human rights defenders have done for years without receiving much solidarity, and to support those resisting fundamentalist and extremist assaults on cultural life on the front lines.

29. Diverse fundamentalists often work together tactically at the international level to thwart advances in human rights protection, in particular regarding women's human rights.[19] Different manifestations of fundamentalism and extremism often reinforce each other through "reciprocal radicalization".[20] Hence, the human rights approach must be multidirectional.

30. The Special Rapporteur is deeply concerned at the normalization of fundamentalist and extremist ideology and rhetoric about women in many political, cultural and media contexts, in particular through the increasing embrace of such ideology and rhetoric by mainstream political parties and candidates. Even some world leaders, allied with extremist or fundamentalist political forces, deem it acceptable to openly demean the physical appearance of women in public life or to expressly deny women's equality. This sets a tone for their societies, with grave implications for women, and empowers extremists.

31. Women human rights defenders who are opponents of fundamentalism and extremism may find themselves surrounded by non-State fundamentalists or extremists, on the one hand, and repressive Governments, on the other, both of which seek to constrain the action needed to defend human rights. Governments may impose aspects of the fundamentalist agenda so as to maintain political power; in other places, fundamentalists and extremists are themselves in power. Sometimes State and non-State actors collude. Preventive action is necessary across the spectrum. Both the obligation of States to respect human rights and their obligation to exercise due diligence in ensuring the protection of those rights from harm by non-State actors are relevant, as is finding creative ways to hold non-State actors directly accountable.

Role of women human rights defenders and civil society space

32. Everywhere, women human rights defenders have been at the forefront of recognizing, documenting and opposing fundamentalist and extremist abuses. They have urged that attention be paid to "warning signs of fundamentalism", including rising violence against women, as obvious developments "often ignored for the sake of national and religious unity".[21]

33. One of the best ways the international community can combat these problems is by listening to and empowering women human rights defenders, when all too often, precisely the opposite transpires. Frequently, women are not invited to the table to discuss how to combat extremism or to assess its impact. In their absence,

[19] See, for example, Naureen Shameem, "Rights at risk", Observatory on the Universality of Rights trends report 2017 (Toronto, Association for Women's Rights in Development, 2017), pp. 91-93.

[20] See Julia Ebner, "How far right and Islamist extremists amplify each other's rhetoric", TEDx Vienna, October 2016.

[21] Ayesha Imam, Jenny Morgan and Nira Yuval-Davis, eds., *Warning Signs of Fundamentalisms* (Nottingham, United Kingdom, Russell Press, 2004), p. xiv.

women's rights are most likely to be a bargaining chip negotiated away or set aside in pursuit of peace with extremist and fundamentalist groups. Giving in to the social demands of fundamentalists and extremists, especially as regards women, only exacerbates the human rights situation and leads to escalating claims.

34. Civil society plays a vital role in combating fundamentalism and extremism, through the use of diverse strategies.[22] For example, an initiative using the hashtag #ImamsForShe, launched by Muslims for Progressive Values, partners with Alliance des imams du corridor Nord pour le développement humanitaire, in Burundi, to work against gender apartheid.[23] Djazairouna, of Families of Victims of Islamist Terrorism, produced a banner featuring photographs of Algerian women killed in 1990s fundamentalist violence, which it attempts to display every year on International Women's Day.[24] A diverse group of women in the United Kingdom of Great Britain and Northern Ireland founded a journal, *Feminist Dissent*, which analyses the impact of fundamentalisms on women.[25] Protests held in India under the hashtag #NotInMyName, on 28 June 2017, were attended by thousands, including many women, protesting Hindu fundamentalist-inspired lynchings of Muslims, often for allegedly eating or selling beef.[26]

35. However, civil society is often constrained in its ability to carry out such actions, through limitations on freedom of association, as well as through harassment and violence (see Human Rights Council resolution 32/31). When Governments imprison or censor the very voices of those who stand up to extremists and are threatened by them or fail to protect them, they facilitate the rise of extremism.

36. The women human rights defenders confronting fundamentalists and extremists require resources, structures, visibility and access to media outlets so that their efforts can crystallize into systematic and institutionalized opposition. Women human rights defenders challenging fundamentalist and extremist movements by, inter alia, defending women's rights to take part in cultural life without discrimination, are defending dynamic, living culture and cultural rights in accordance with international norms. They are cultural rights defenders.

37. Working against fundamentalism and extremism is a particularly dangerous and daunting task, leading women human rights defenders to be labelled as opponents of their religious group or nation, to face criminal sanctions, defamation and ostracism, and can lead to death threats and attacks. The Special Rapporteur concurs with the statement issued by other United Nations experts alerting the international community that a "global trend of fundamentalism and populism" poses increasing risks to women human rights defenders.[27] In a recent global survey, 54 per cent of the 694 respondents among members of "young feminist organizations" noted that they were threatened in their work by "extremist or fundamentalist religious groups".[28] Extremists often target women human rights defenders during public gatherings.[29] The Special Rapporteur was saddened to note

[22] Examples were given in the submission from Freemuse.

[23] Submission from Muslims for Progressive Values.

[24] More information about their work is provided in the submission from Djazairouna.

[25] See www2.warwick.ac.uk/fac/arts/english/research/currentprojects/feministdissent.

[26] Huizhong Wu, "#NotInMyName: Indians protest against mob violence", CNN, 29 June 2017.

[27] "Fundamentalism and populism pose deepening threat to women defending human rights, UN experts warn", United Nations News Centre, 25 November 2016.

[28] FRIDA: the Young Feminist Fund and Association for Women's Rights in Development's Young Feminist Activism Program, "Brave, creative, resilient: the global state of young feminist organizing", 2016, p. 51.

[29] Submission from Asamblea Lésbica Permanente regarding 2015 events at the National Women's Meeting in Argentina.

that several reputable civil society organizations that made submissions for the present report were concerned about retaliation; the sources of those submissions must therefore remain confidential.

38. She also notes with great concern that when civil society actors, including human rights organizations, undermine the work of those human rights defenders challenging fundamentalists and extremists, as has occurred repeatedly, this has a very grave impact on human rights.[30]

39. The Internet has created new space for women to participate in cultural life and to challenge fundamentalists and extremists, but also a space where they are harassed by fundamentalists and extremists.[31] States must take necessary action and exercise due diligence in accordance with international standards to make sure women can participate in equality and safety on the Internet and can counter fundamentalist and extremist discourses in cyberspace.

40. The Special Rapporteur notes that there are also anti-rights groups that promote and act upon fundamentalist and extremist agendas that are harmful to human rights, and that issue is one that the international human rights movement itself must tackle.[32] While "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms" according to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, such human rights defenders must accept the universality of human rights, as defined in the Universal Declaration of Human Rights, and act in accordance with international human rights norms.[33] Groups that promote fundamentalist and extremist agendas aiming at the destruction of internationally guaranteed rights, including discrimination against women, and that undermine universality cannot be viewed as human rights defenders. While their own human rights must be respected, in accordance with human rights norms, they should not misuse the mantle of human rights to advance their destructive activities and agendas.

II. International legal framework

A. Relevant international standards

41. The Special Rapporteur presented an in-depth analysis of the relevant international human rights standards of, and statements that have been made by, various United Nations bodies and mechanisms regarding fundamentalism and extremism as ideological bases for human rights violations, in her previous report on the impact of fundamentalism and extremism on cultural rights (A/HRC/34/56, paras. 40-60). She refers to the relevant sections of her previous report and

[30] See Karima Bennoune, "Productive tensions: women's rights NGOs, the 'mainstream' human rights movement, and international lawmaking", in *Non-State Actors, Soft Law and Protective Regimes: From the Margins*, Cecilia M. Bailliet, ed., (New York, Cambridge University Press, 2012), pp. 140-147.

[31] Submission from Research, Assessment and Safeguarding of the Heritage of Iraq in Danger (RASHID International).

[32] See, for example, Shameem, "Rights at risk". Note also the issues raised by leading South Asian human rights defenders "about the importance of the human rights movement maintaining an objective distance from groups and ideas that are committed to systematic discrimination" in the "Global petition to Amnesty International: restoring the integrity of human rights", February 2010.

[33] See www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx.

complements them in the present report with some additional standards concerning the cultural rights of women.

42. Women's equality in the enjoyment of all human rights is central to the International Bill of Human Rights, as well as to the Convention on the Elimination of All Forms of Discrimination against Women, and to regional standards. Non-discrimination, including on the basis of sex, is guaranteed by the Charter of the United Nations and is a touchstone of the United Nations system.

43. Depending on the specific manifestation, fundamentalist and extremist ideologies and the actions they incite may give rise to violations of a broad range of women's human rights. Those rights include the rights to equality and non-discrimination, life, liberty, bodily integrity, freedom from torture, privacy, freedom of opinion, peaceful assembly and association, the right to take part in cultural life, to scientific and artistic freedom, free consent in marriage, sexual and reproductive rights, the rights to health, education, political participation, freedom from slavery and slavery-like practices, work, freedom of expression, and freedom of thought, conscience and religion.

44. In the most extreme cases, the full spectrum of human rights may be violated, and specific violent practices of fundamentalist and extremist groups may constitute acts of terrorism and/or international crimes, including crimes against humanity, genocide, war crimes or other violations of international humanitarian law. It is in the context of this broader, systematic threat to so many human rights that the grave effects of fundamentalism and extremism on the cultural rights of women must be seen.

45. The Special Rapporteur stresses the State's obligations to respect human rights and to protect them from acts by non-State actors, including fundamentalist and extremist groups. The Committee on the Elimination of Discrimination against Women affirms that "States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence."[34]

46. The Special Rapporteur underlines the centrality and importance of cultural rights, based in particular on article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. States must respect those rights and protect them from interference by fundamentalist and extremist movements.

47. Article 2, paragraph 2 of the Covenant prohibits discrimination with regard to these rights, while article 3 states that men and women are equally entitled to the enjoyment of economic, social and cultural rights. In its general comment No. 21 (2009) on the right of everyone to take part in cultural life, the Committee on Economic, Social and Cultural Rights insists that:

> Ensuring the equal right of men and women to the enjoyment of economic, social and cultural rights is a mandatory and immediate obligation of States parties. Implementing article 3 of the Covenant, in relation to article 15, paragraph 1(a), requires, inter alia, the elimination of institutional and legal obstacles as well as those based on negative practices, including those attributed to customs and traditions, that prevent women from participating fully in cultural life, science education and scientific research.[35]

[34] See Committee on the Elimination of Discrimination against Women, general recommendation No. 19 (1992) on violence against women, para. 9. See also Committee against Torture, general comment No. 2 (2008), on the implementation of article 2, para. 18.

[35] Committee on Economic, Social and Cultural Rights, general comment No. 21 (2009) on the

48. Women's equal cultural rights are also guaranteed by article 13 (c) of the Convention on the Elimination of All Forms of Discrimination against Women, which requires States to take the measures needed to end discrimination against women affecting "[t]he right to participate in... all aspects of cultural life" and to ensure equality in this regard.

49. The Declaration on the Elimination of Violence against Women confirms that States are not to invoke religion as an excuse for violence against women.[36] Moreover, article 5 (a) of the Convention on the Elimination of All Forms of Discrimination against Women provides that States are to take all appropriate measures to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women".[37]

50. Cultural rights are not tantamount to cultural relativism. They are not an excuse for violations of women's human rights or for discrimination or violence against women. They are firmly embedded in the universal human rights framework (see A/HRC/31/59, para. 27).

51. In article 5 of the Vienna Declaration and Programme of Action, States agreed not only that "all human rights are universal" but that "while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights".

52. Universality is one of the most important tools in the struggle against the harmful effects of fundamentalism and extremism and must be defended. When States undermine universality, they aid and abet extremism. In its general comment No. 28 (2000) on the equality of rights between men and women, interpreting article 3 of the International Covenant on Civil and Political Rights, the Human Rights Committee explained that "States parties should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women's right to equality before the law and to equal enjoyment of all Covenant rights".[38]

53. States must also respect and protect freedom of thought, conscience and religion, including the right to be a religious believer but also the right not to profess any religion or belief".[39] In addition, "no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice".[40] Acts of fundamentalist and extremist Governments or movements that aim at shaping, through coercion or abuse, adherence to certain beliefs, world visions and cultural practices are contrary to human rights standards.

54. In its general comment No. 28, the Human Rights Committee determined that "article 18 may not be relied upon to justify discrimination against women by reference to freedom of thought, conscience and religion". The former Special Rapporteur of the Human Rights Council on freedom of religion or belief has noted

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right of everyone to take part in cultural life, para. 25.

[36] See General Assembly resolution 48/104, art. 4.

[37] Convention on the Elimination of All Forms of Discrimination against Women, art. 5 (a).

[38] Human Rights Committee, general comment No. 28 (2000) on equality of rights between men and women, para. 5.

[39] Human Rights Committee, general comment No. 22 (1993) on the right to freedom of thought, conscience and religion, para. 2.

[40] International Covenant on Civil and Political Rights, art. 18, para. 2 (see General Assembly resolution 2200 A (XXI), annex).

that "freedom of religion or belief can never serve as a justification for violations of the human rights of women and girls".[41]

55. Fundamentalists sometimes seek to advance their agenda or to shield themselves from scrutiny by deploying the language of human rights and religious freedom. The Special Rapporteur stresses the importance of article 30 of the Universal Declaration of Human Rights, as well as of common article 5 of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights, which warn that nothing in those instruments shall be interpreted as implying for any State, group or person any right to engage in any activity aimed at the destruction of any of the rights and freedoms recognized therein.

B. Analysis of fundamentalism and extremism in the United Nations system

56. The United Nations human rights system has commented sporadically on issues of fundamentalism and extremism and a more systematic approach should be developed. However, some important statements have been made.

57. In 2016, in his report submitted to the Human Rights Council at its thirty-second session, the Special Rapporteur on the rights to freedom of peaceful assembly and of association addressed the impact of fundamentalism on the rights within his mandate. He noted that "religious fundamentalism often has a disproportionate impact upon the assembly and association rights of women". In particular, he cited pressure placed by the Catholic Church and evangelical movements on women's organizations in Latin America working for reproductive rights and health (see A/HRC/32/36, para. 62).

58. Former Secretary-General Kofi Annan noted, in a report submitted to the General Assembly at its sixty-first session, in 2006, that "the politicization of culture in the form of religious 'fundamentalisms' in diverse ... religious contexts has become a serious challenge to efforts to secure women's human rights" (see A/61/122/Add.1, para. 81).

59. In the Vienna Declaration and Programme of Action, the World Conference on Human Rights "stresse[d] the importance of ... the eradication of any conflicts which may arise between the rights of women and the harmful effects of ... religious extremism" (see A/CONF.157/24 (Part I), chap. III, part II, para. 38).

60. The Committee on the Elimination of Discrimination against Women, in its concluding comments on the combined initial and second reports of Tunisia, noted that "the promotion of women's rights was the best safeguard against extremist ... movements" (see A/50/38, para. 262).

III. Fundamentalism, extremism and women's cultural rights: a survey

61. Across most areas of the Special Rapporteur's mandate, fundamentalism and extremism give rise to widespread abuses of women's cultural rights. The examples given below should be seen as part of a broader systematic assault on human rights.

[41] A/68/290, para. 30.

A. Women's freedom of artistic expression and attacks against women artists

62. Fundamentalist and extremist State and non-State actors often threaten the right to freedom of artistic expression. Artists have been accused of "blasphemy" or "religious defamation", insulting "religious feelings" or inciting "religious hatred" (see A/HRC/23/34, para. 47). The history and practice of women's artistic expression is regularly erased by diverse fundamentalists. "Women artists and audiences are at particular risk in some communities, and are prohibited from performing arts altogether ... or from performing with men" (ibid., para. 43). This is especially the case in theocratic contexts. "Such bans have devastating effects on the diversity of cultural expressions ...".[42] The submissions received provide examples of concerts featuring women that have been cancelled, female actors who have been attacked, women artists who have been threatened and insulted, and of women singers and writers who have been arrested, in Afghanistan, Iran (Islamic Republic of), Saudi Arabia and the Sudan.[43] A website affiliated with the Islamic Republic of Iran's Islamic Revolutionary Guard Corps noted that women singing "violated all moral and religious values".[44] One Sudanese singer said "when I am on stage ... I find myself in a constant state of fear. I am always afraid that my show could be stopped any moment".[45] In Ethiopia, there has been a decrease of women and men dancing and singing together, because of pressure from religious groups since 2008.[46] Restrictions to, and violations of, artistic freedom create an unsafe environment for all engaged in the arts and undermine efforts to counter extremism and fundamentalism.

63. It is impossible to list all the women artists killed by diverse fundamentalists and extremists. Notable recent cases include the 2014 assassination by Al-Shabaab of Saado Ali Warsame, a singer and member of the Somali parliament known for appearing onstage bareheaded. Between 2001 and 2014, 12 women have reportedly been killed because of their involvement in music in north-western Pakistan.[47]

64. Cultural events associated with women and girls have been the target of terrorism. The Special Rapporteur deplores events such as the attack by a Muslim fundamentalist on an Ariana Grande concert in Manchester, United Kingdom, in May 2017. 17 of the 22 victims of this "attack on girlhood"[48] were women and girls.[49] The Special Rapporteur salutes the courage of Ms. Grande in returning to the stage so quickly, at the "One Love Manchester" concert, and that of the many people who attended. The courage to defy extremists is displayed by artists and audiences around the world, with far less international attention, and needs recognition and support, a notable example being Afghanistan's first all-female orchestra, Zohra.[50]

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[42] Submission from Freemuse.

[43] Submissions from Association Des Femmes Iraniennes en France; Turquoise Mountain; and from Saudi Arabian non-governmental organizations (NGOs) (European Saudi Organization for Human Rights, Saudi Organization for Human Rights, Al-Qst Organization, in consultation with Saudi women activists).

[44] Submission from Association Des Femmes Iraniennes en France.

[45] Submission from Sudanese Women Human Rights Defenders Project.

[46] Submission from Femmes solidaires.

[47] Submission from Freemuse.

[48] Charlotte Alter, "Why the Manchester attack was an attack on girlhood", *Time*, 24 May 2017.

[49] Helena Horton and Joe Shute, "Who are the victims of the Manchester terror attack?", *Telegraph*, 31 May 2017.

[50] See www.anim-music.org/girls-ensemble/.

65. In response to what they perceived as "rising intolerance and growing assault on free speech", coupled with violence against intellectuals, approximately 40 leading Indian writers, including women writers, returned their literary awards in protest.[51] That effort came to prominence after well-known writer Nayantara Sahgal returned a prize. She explained: "India's culture of diversity and debate is now under vicious assault. Rationalists who question superstition, anyone who questions any aspect of the ugly and dangerous distortion of Hinduism known as Hindutva — whether in the intellectual or artistic sphere, or whether in terms of food habits and lifestyle — are being marginalized, persecuted, or murdered".[52]

B. Women's right to take part in cultural life without discrimination

66. Women's cultural rights are a prime target for fundamentalists and extremists, who often claim to be defending culture, religion or tradition but instead deny the rights of others in these regards. The following is a brief survey.

1. Women's equal rights within religion and belief

67. In many places, women are prohibited from being religious leaders as a result of stereotypical gender norms promulgated by patriarchal narratives of religion and purveyed by State and non-State actors.[53] Women's equal right to take part in cultural life includes their right to be religious and spiritual leaders. Some women assert those rights by leading prayer services or issuing religious edicts and interpretations in favour of women's rights. Many women's groups respond to fundamentalisms by leading public discussions of oppressive interpretations of religious texts and laws. The Special Rapporteur also notes the equally important roles played in defending cultural rights by women in associations of non-religious persons and humanists.

68. In Israel, Women of the Wall have reportedly been harassed for activities in favour of women's right to worship in equality and for their legal battle to worship at the Western Wall, as men do. The Special Rapporteur regrets the recent suspension of a plan to provide an improved space for women and men to worship together at the Wall, as well as the failure to implement policies consistent with court judgments acknowledging the right of women to pray at the Wall.[54] Moreover, there have been reported attempts at imposing gender segregation in the ultra-Orthodox Jewish population in a number of countries.[55]

69. Some Pentecostal churches in Africa reportedly requested that their congregations sign petitions against the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.[56] Article 17, paragraph 1 of the Protocol holds that "women shall have the right to live in a positive cultural context and to participate at all levels in the determination of cultural policies".

2. Cultural rights impact of reproductive health and rights

70. As stated by the first Special Rapporteur in the field of cultural rights, women must be equal participants in cultural affairs and in the wider "general" society,

[51] "How India's writers are fighting intolerance", BBC News, 13 October 2015.
[52] Indian Cultural Forum, "Nayantara Sahgal returns her Sahitya Akademi award", 6 October 2015.
[53] Submission from Muslims for Progressive Values.
[54] Isabel Kershner, "'Sense of betrayal' in liberals over reversals by Netanyahu", *New York Times*, 4 July 2017.
[55] Submission from Hadassah-Brandeis Institute Project on Gender, Culture, Religion and the Law.
[56] Horn, "Christian fundamentalisms", p. 13.

requiring States to ensure women's freedom to participate in social, economic and political life.[57] The Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights have found that denying women and girls contraception or abortion services, or forcing girls into early marriage, denies them the right to control their fertility and sexuality, which affects their full enjoyment of their economic, social and cultural rights, including access to education, on an equal basis with men.[58]

71. In examining, as part of the inquiry procedure under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the impact of Executive Order No. 003 in Manila, which banned funding for modern contraceptives and discouraged, inter alia, the use of condoms based on an interpretation of Catholicism, the Committee on the Elimination of Discrimination against Women found the situation "particularly egregious as a result of an official and deliberate policy that places a certain ideology above the well-being of women",[59] and that it contributed to gender stereotypes.

72. Across Latin America, fundamentalist and conservative civil society groups have often allied with fundamentalist churches to oppose sexual and reproductive rights, including by spreading false information concerning scientific knowledge in the field of reproductive health.[60] According to experts, Sinhala-Buddhist extremist organizations in Sri Lanka, "whose activities have been unchecked and even tacitly endorsed by the state, have valorized fertility of Sinhala women while demonizing the fertility of Muslim women".[61] Across regions, fundamentalists and extremists promote cultural stigmatizing of women for exercising and advocating for sexual and reproductive rights, creating a culture of shame rather than equality.[62]

3. Imposition of "modest" dress codes

73. Through the imposition of "modest" dress codes, fundamentalist groups promote the idea that women are limited to a stereotypical, subordinated position in society and limited in their bodily autonomy, cultural choices and ability to do such things as ride bicycles or play sports. They further promote a culture of shame about women's bodies. The required garments or practices usually conceal the female form — whether Hindu purdah restrictions and bans by some Hindu fundamentalists on wearing trousers, or the long skirts, head coverings or wigs worn by some Orthodox Jewish women, or the veils and headscarves worn by some Muslim women, or others. Women in the sect within the Mormon faith known as the "Fundamentalist Church of Jesus Christ of Latter-Day Saints" are required to wear long dresses and an undergarment that covers the skin from neck to ankles.[63]

74. Some women's rights experts argue that many of the world's great religions often use modesty and segregation to exclude women from public space.[64] Hence,

[57] A/67/287, para. 37.

[58] Committee on the Elimination of Discrimination against Women, general recommendation No. 21 (1994) on equality in marriage and family relations, paras.21 and 22; HRI/GEN/1/Rev.9 (Vol. II); E/C.12/KEN/CO/2-5, para. 54.

[59] CEDAW/C/OP.8/PHL/1, para. 48.

[60] Confidential submission from a federation of Latin American organizations.

[61] Chulani Kodikara, "State racism and sexism in post-war Sri Lanka", Open Democracy, 10 November 2014.

[62] Examples are given in the submission from the Permanent Mission of Honduras.

[63] Christine Brouwer, "Polygamy garb born of rules", ABC News, 17 April 2008.

[64] Frances Raday, "Modesty disrobed: gendered modesty rules under the monotheistic religions", in Marie A. Failinger, Elizabeth R. Schiltz and Susan J. Stabile, eds., Feminism, Law and Religion(Farnham, United Kingdom, Ashgate Publishing, 2016), pp. 283-307.

the concept of modesty is not gender-neutral — it is "gendered modesty".[65] Fundamentalist movements exacerbate this tendency. All of these implications for women's human rights are lost in a world — including parts of the field of international human rights — that increasingly normalizes such "modest" dress codes as merely a cultural practice. Young women often are taught to think this is how women have always dressed.

75. Such garments are often imposed by threats, violence, indoctrination or stigma. Consider the fatwa issued by the all-male European Council of Fatwas and Research regarding the duty of Muslim women and girls in Europe to cover their heads:

> Thus, by her dress, she presents herself as a serious and honest woman who is neither a seductress nor a temptress, who does no wrong ... by any movement of her body...[66]

76. Women who violate these dress codes are subject to threats and punishment by State and non-State actors, in violation of international law, in many contexts. Iranian law makes it a crime punishable by imprisonment and fine to not wear the hijab. Every year thousands of Iranian women are reprimanded, arrested or prosecuted for this "crime".[67] Article 152 of the Sudanese Criminal Act (1991) makes violations of dress codes punishable by whipping, a punishment to which thousands of women have been subjected.[68] In December 2016, police in Saudi Arabia even arrested a woman for posting photos on social media showing herself without a headscarf in public places.[69] In Mali, during the 2012 jihadist occupation of the north, fundamentalists required women to wear black veils and loose-fitting clothing, or risk whipping and imprisonment.[70] In India, reports suggest incidents of "moral policing" involving targeting of women and girls by vigilante groups, using force and violence to regulate, inter alia, the dress of women and girls.[71]

77. Some restrictive garments are said in certain instances to represent a freely-chosen personal conviction that such "modesty" is required by the teachings of a particular religion. If so, this is a choice of a particular interpretation of any faith, and one which is relentlessly promoted by fundamentalists. One must respect the agency of adults. However, women's dress may be heavily impacted by discrimination against women and fundamentalist propaganda, especially in the mass media and sermons. States must ensure that women are free from such coercion.

78. Beliefs about the imperative to cover may have implications for women who do not cover. They are seen by some as not identifying with their ethnic or religious group, or as not expressing their religious beliefs as required by certain interpretations, and thus may be labelled "bad" believers or non-believers, or considered "shameful". In particular environments, this may yield a range of consequences, including threats, violence and death.

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[65] Ibid.

[66] Conseil Européen des Fatwas et de la Recherche, fatwa No. 6, in *Recueil de Fatwas*, Série No. 1, Avis Juridiques Concernant les Musulmans d'Europe 7, 2002.

[67] Justice for Iran, "Thirty-five years of forced hijab: the widespread and systematic violation of women's rights in Iran", March 2014.

[68] Human Rights Watch, "Sudan: end lashing, reform public order rules: arrest of women's rights activists, flogging of woman violate basic rights", 15 December 2010.

[69] Submission from Saudi NGOs.

[70] "Out with colour: Islamists force Timbuktu women to wear black veils", France 24, 24 September 2012.

[71] Confidential submission from Indian civil society.

79. Many fundamentalist or extremist dress codes for women represent a process of radical change, rather than the preservation of tradition. Some of the more restrictive garments purveyed by fundamentalists today are themselves an assault on the pre-existing cultural status quo. Such clothing is sometimes not indigenous or traditional dress. For example, in West Africa, where women traditionally wear colourful boubous, fundamentalists seek to impose hijabs and niqabs, often in dark colours.

80. Women who cover are not to blame for the broader political context and have faced discrimination and violence themselves in recent years, inspired, in particular, by far right and racist extremists in the West,[72] a matter which is also of grave concern to the Special Rapporteur and that requires urgent attention. It is possible to defend the fundamental human rights of those who veil to be free from violence and discrimination, while critiquing the cultural engineering that has relentlessly promoted the covering of women. Only then, in many contexts, will women truly be able to make free cultural choices about the way they dress.

C. Attacks against others based on their perceived or assumed "difference"

81. Fundamentalist and extremist assaults on minorities, including minority women, and on their cultural sites and practices have become widespread around the world, including attacks against Hindus in Bangladesh and against Coptic Christians in Egypt. The incidents range in severity from hate speech to genocide. Such attacks have a particular impact on women, who are often seen to symbolize minority groups. In India, with the rise of Hindu fundamentalism, the Muslim minority is increasingly described as "under siege ... in the face of cultural re-visioning that seeks to delegitimise their rich history, traditional diet and livelihood", resulting in women being rendered more vulnerable.[73] Laws that treat minorities differently with regard to their cultural practices create an environment that facilitates attacks. For example, in Myanmar, laws require Rohingya Muslims to obtain government permission to marry.[74]

82. There has been a significant rise in hate speech and hate violence in the United States of America since the 2016 presidential elections, targeting inter alia, women, including immigrant and minority women.[75] The perpetrators of such incidents often specifically referenced the President or his rhetoric. On 26 May 2017, in Portland, Oregon, a far-right extremist and white supremacist shouted hate speech at two young Muslim women in hijab, then murdered two young male bystanders who came to their defence.[76]

83. Australian Lawyers for Human Rights expressed its concern about the "mainstreaming of fundamentalist and extremist ideas in Australian public discourse" along with a "rise in populist ultranationalism", which, in its view, produces attempts to "legitimize ... the imposing of an 'authentic Australian culture' on women", especially those from diverse ethnic backgrounds.[77]

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[72] The submission from the Human Rights Center, University of Minnesota, among other submissions, provides examples thereof.

[73] Confidential submission from Indian civil society.

[74] Submission from Asian-Pacific Resource and Research Centre for Women (also known as ARROW).

[75] Submission from the Human Rights Center, University of Minnesota.

[76] Amy B Wang, "'Final act of bravery': men who were fatally stabbed trying to stop anti-Muslim rants identified", *Washington Post*, 27 May 2017.

[77] Submission from Australian Lawyers for Human Rights.

84. Fundamentalist and extremist groups often seek to block the mixing of people. For example, Sikh fundamentalist groups have reportedly used gangs of masked men to forcibly disrupt mixed marriages.[78] In India, the false claim that Muslim men engage in so-called "love jihad" has been used to cast intimacy and marriage of Hindu women and Muslim men as part of a conspiracy to convert Hindu women to Islam and produce Muslim progeny.[79]

85. Those women perceived as lesbian remain targets of organized abuse, including by extreme nationalists, which deprives them of many human rights, including the right to take part in cultural life without discrimination (see A/HRC/29/23, para. 22; CRC/C/IRQ/CO/2-4, paras. 27-28).[80]

86. Violence against people because of their sexual orientation highlights the transnational nature of fundamentalisms and extremisms. For example, Christian fundamentalist leaders and groups from the United States have reportedly supported an anti-gay and lesbian agenda abroad, including in Uganda, through speeches and funding.[81]

87. Fundamentalists and extremists commonly seek to quash any positive expression and representation of sexual orientation-related themes and of sexual minorities. Legislation in at least 17 countries explicitly prohibits the "promotion" of sexual orientation.[82] Such repression stifles the sharing of information about lesbian, gay, bisexual and transgender cultural events. In some cases, such laws have emboldened fundamentalists to commit violence against participants in such events. Russian human rights defenders report that, since the adoption of the law banning "propaganda of non-traditional sexual relations" among minors, "virtually any peaceful LGBT rights public action is accompanied by acts of violence committed by opponents without any proper response of police".[83] Diverse fundamentalists have acted to force the cancellation of lesbian, gay, bisexual and transgender cultural events, including fashion shows involving transgender women, equality festivals, pride events and days of remembrance, including in Malaysia and Ukraine.[84] The Special Rapporteur is pleased that the new Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity will be able to further investigate such issues.

D. Right to education

88. Fundamentalists and extremists everywhere target education in different ways, in an effort to impose their world views. In some places, they carry out acid attacks on girl pupils. Elsewhere, they attempt to impose gender segregation in schools or

[78] Sukhwant Dhaliwal, "Resurgent Sikh fundamentalism in the UK: time to act?", Open Democracy, 18 October 2016.

[79] Confidential submission from Indian civil society. See also High Court of Kerala, *Asokan K.M. v. The Superintendent of Police*, WP(Crl.) No. 297 of 2016, Judgment of 24 May 2017.

[80] The Special Rapporteur appreciates the view she understands to be expressed in the submission of Algeria that sexual orientation is an issue to which personal autonomy and personal freedom applies. Submission of Algeria, Ministry of Religious Affairs and Endowments.

[81] Jeffrey Gettleman, "Americans' role seen in Uganda anti-gay push", *New York Times*, 3 January 2010.

[82] Submission from International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) and ARC International.

[83] LGBT organization "Coming Out", Transgender Legal Defense Project and the Russian LGBT Network, "Implementation of the International Covenant on Civil and Political Rights in the Russian Federation: sexual orientation and gender identity issues" alternative report submitted to the Human Rights Committee, on its 111th session, Geneva, July 2014, p. 4.

[84] Submission from International Lesbian, Gay, Bisexual, Trans and Intersex Association and ARC International.

to exclude women and girls altogether. In other locations, they seek to change the content of education, such as by removing sex education from the curriculum.

89. In Indonesia, as part of what has been described as a worsening climate of fundamentalism affecting human rights more broadly, a unique Islamic boarding school, Al-Fatah Pesantren, run by and for waria (transgender women) was ordered closed in February 2016 by the Islamic Jihad Front. Police reportedly failed to protect the school and in March 2016, it was closed by local authorities.[85]

90. Positive efforts by some in government to foster the protection of women's human rights in schools and curricula are often thwarted by concerted fundamentalist efforts. For example, in Peru, the Ministry of Education's efforts in 2016 to include human rights approaches met with the mobilization of Christian fundamentalist groups and conservative political parties.[86] Those groups opposed the curriculum's emphasis on gender equality and non-discrimination on the basis of sexual orientation. One pastor involved reportedly called for the killing of lesbian women. Ultimately, the curriculum was changed.

91. The promotion and defence of non-sexist education, in accordance with international standards, and of non-discrimination and full equality for women and girls in education, are among the most important measures governments can take to defeat fundamentalism and extremism.

92. The Special Rapporteur is deeply concerned about the rise, in many contexts, of fundamentalist-run schools, often with foreign funding, that promote gender stereotypes, in some cases, normalize violence against women, and practice a gender segregation that subverts equality.

93. Fundamentalist movements, such as Boko Haram, repeatedly target educational institutions and students in Nigeria, with the kidnapping of 276 schoolgirls, in April 2014 (many of whom have yet to be released) being only one terrible example of such attacks. There has also been widespread targeting of girls' schools by fundamentalist armed groups in Afghanistan and Pakistan.

94. It is a testament to the lack of accountability for fundamentalist and extremist violence against women that, even in a case as high profile as that of the shooting of Pakistani Nobel laureate Malala Yousafzai, for which the Taliban openly took responsibility, 8 of 10 suspects were acquitted and released after a secret trial.[87] Accountability in all cases of fundamentalist and extremist violence against women, including as they exercise their cultural rights, must be a priority.

IV. Conclusions and recommendations

A. Conclusions

95. **After an attack by Da'esh, in February 2017, at a shrine in Pakistan, which killed over 70 people taking part in a Sufi ritual, dancer Sheema Kermani went to the site to perform for local people, notwithstanding the security risks, to send a message of hope.[88] The international community must show as much courage as women like her. This is a wake-up call for our times.**

[85] Submission from International Lesbian, Gay, Bisexual, Trans and Intersex Association and ARC International.

[86] Submission from the Center for the Promotion and Defense of Sexual and Reproductive Rights.

[87] "Eight out of 10 Malala suspects 'secretly acquitted'", BBC News 5 June 2015.

[88] "Sheema Kermani defies act of terrorism, performs at Lal Shahbaz Qalandar's shrine", Dawn News, 21 February 2017.

We face a multidirectional global avalanche of misogyny, to which we must have an urgent global feminist riposte. We must heed the warning of Polish woman human rights defender, Paulina Wawrzynczyk, who emphasizes the need for global solidarity: "in any country no rights are won for good. We must ... continue to raise awareness of ... what may be taken away from us".[89] States, international organizations and civil society must come together to develop comprehensive human rights strategies to defend women's cultural rights from fundamentalism and extremism, in accordance with international norms.

96. **Fundamentalist and extremist ideologies are a threat to women's human rights, and more specifically their cultural rights. States must neither purvey them nor concede women's rights to them. Women's cultural rights, understood as fully integrated within the human rights system, are critical counterweights to fundamentalism and extremism; they call for free self-determination of women, respect for their cultural diversity, universality and equality.**

B. Recommendations

97. **In order to effectively respond to fundamentalism and extremism and prevent, punish and stop the violations of women's human rights, in particular cultural rights, to which they give rise, and to ensure women's equal cultural rights, the Special Rapporteur recommends that the international community:**

(a) **Promote a culture of women's equality and dignity;**

(b) **Understand fundamentalism and extremism as human rights issues, for which a human rights approach is essential;**

(c) **In accordance with relevant international law, recognize and combat extremist and fundamentalist ideologies that promote discriminatory attitudes towards women;**

(d) **Examine how and why fundamentalism and extremism take root and combat the root causes through, inter alia, the implementation of economic, social and cultural rights;**

(e) **Develop a gender-inclusive framework for recognizing the warning signs of fundamentalism, which recognizes that cultural expressions, and especially those associated with women, are often among the first targets; and take preventive action in accordance with international norms to stop the rise of such movements;**

(f) **Support initiatives that reaffirm women's cultural rights.**

98. **The Special Rapporteur recommends that States:**

(a) **Respect, protect and fulfil women's equal cultural rights, including the right to freedom of artistic expression and the right to take part in cultural life without discrimination;**

(b) **Recognize and emphasize the promotion and respect of culture and cultural rights, with adequate funding, including the equal cultural rights of women, as core aspects of any strategy for tackling fundamentalism and extremism;**

[89] Paulina Wawrzynczyk, "No battle is ever won for good", *Feminist Dissent*, No. 2 (2017), pp. 189-192.

(c) Reaffirm the universality of human rights and not undermine this principle;

(d) Promote equality for all, in accordance with international standards;

(e) Lift all reservations to human rights treaties, and the Convention on the Elimination of All Forms of Discrimination against Women in particular, which undermine the principles of universality and equality;

(f) Act in accordance with due diligence standards to ensure that non-State actors engaging in fundamentalist and extremist abuses of women's cultural rights are prosecuted and punished according to international norms;

(g) Prevent violations of women's cultural rights, including by prohibiting the funding of fundamentalist and extremist groups, in accordance with international standards;

(h) Condemn all acts of extremist or fundamentalist violence that undermine women's cultural rights, and express solidarity with women victims;

(i) Ensure that all women victims of fundamentalist or extremist abuses, including in the cultural rights area, have access to adequate remedy, reparation and compensation;

(j) In consultation with women human rights defenders and affected groups, develop plans of action to protect women, including those from religious, ethnic and sexual minorities, from extremism and fundamentalism; and implement urgent action policies when such groups are targets of fundamentalist and extremist threats or violence;

(k) Ensure that women at risk from fundamentalist and extremist violence and abuse, including as a result of exercising their cultural rights, are given asylum, are not returned to contexts where they will be at risk and are fully protected, including from xenophobic attack and gender-based violence, in receiving countries;

(l) Take all necessary measures to respect and ensure the human rights of women human rights defenders who challenge fundamentalism and extremism, including by investigating threats and attacks against them, bringing perpetrators to justice and providing protection in agreement with those affected;

(m) Remove obstacles to the functioning of an independent civil society that promotes human rights in accordance with international norms;

(n) Involve women human rights defenders, with relevant expertise, in all programmes and policy discussions regarding combating fundamentalism and extremism, including at international conferences and negotiations;

(o) Repeal discriminatory laws and policies;

(p) Provide for and protect the separation of religion and State and guarantee religious freedom, including the right for women to believe, not to believe and to change their belief;

(q) Respect and ensure the right to education for all without discrimination, in accordance with international standards; this implies a secular public schooling system with a non-sexist curriculum that promotes a culture of gender equality and women's empowerment;

(r) Take urgent steps to protect schools, including girls' schools, students and educators where they are at risk;

(s) Ensure that schools, curricula and textbooks are not promoting fundamentalist or extremist ideology, or discrimination or violence against women;

(t) Act effectively to combat fundamentalism and extremism but refrain from violating human rights or international law in so doing.

99. **The Special Rapporteur recommends that civil society and experts:**

(a) Document the role of fundamentalist and extremist ideology in abuses of women's human rights by State and non-State actors and campaign against those abuses and the ideologies that give rise to them;

(b) Support women human rights defenders who are combating fundamentalism and extremism, and avoid undermining their work;

(c) Decline to partner with or whitewash fundamentalists or extremists;

(d) Submit cases concerning fundamentalist and extremist abuses of women's cultural rights to treaty bodies under relevant complaints procedures.

100. **The Special Rapporteur recommends that relevant United Nations treaty bodies consider:**

(a) Adopting general comments about the human rights impact of fundamentalism and extremism, including on women;

(b) Systematically addressing the impact on women's human rights of diverse forms of fundamentalism and extremism, where relevant.

101. **The Special Rapporteur recommends that the United Nations and other intergovernmental bodies:**

(a) Organize an international expert meeting on the human rights impact of fundamentalism and extremism across regions, including the impact on women's human rights;

(b) Guarantee the participation of representatives from women's organizations who have been working on these issues in all relevant international meetings;

(c) Develop a fully gender-inclusive action plan, in collaboration with artistic civil society and women human rights defenders, to secure the safety of women artists at risk from fundamentalists and extremists;

(d) Develop a set of guiding principles for effectively combating fundamentalism and extremism, including their impact on women's human rights, in accordance with international law.